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Docket No. 5677-142

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Leo J. Romanczyk, Jr. et al.

Filed: November 21, 2000

Group Art Unit: 1711

Serial No: 09/717,445

Examiner: To Be Assigned

For: FOODS CONTAINING A COCOA POLYPHENOL ADDITIVE

Commissioner for Patents  
Washington, D.C. 20231

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TOLSON

**SECOND SUPPLEMENTAL PRELIMINARY AMENDMENT**

Sir:

This amendment is submitted to correct the numbering of the claims submitted by the Preliminary Amendment mailed November 21, 2000 and to correct the nomenclature by referring to the monomers as catechin and epicatechin (not procyanidins) and the oligomers as procyanidins.

Please cancel Claims 84 and 86 and amend Claims 81-83, 85, and 87-99 so they read as follows:

27. A food comprising a cocoa polyphenol as an additive.

28. The food of Claim 27, wherein the cocoa polyphenol additive is a mixture of catechin, epicatechin, and a cocoa procyanidin oligomer.

29. A food comprising an isolated cocoa polyphenol as an additive, which cocoa polyphenol is a mixture of catechin, epicatechin, and a cocoa procyanidin oligomer.